

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**ROBERT QUILL,**

**Plaintiff,**

**V.**

**CATHOLIC DIOCESE OF WILMINGTON, INC., a Delaware corporation; ST. ELIZABETH'S CATHOLIC CHURCH, a Delaware corporation; Rev. FRANCIS G. DELUCA, individually and in his official capacity; and Rev. MICHAEL A. SALTARELLI, in his official capacity,**

## Defendants.

[illegible]

**C.A.No. 07-435-SLR**

**PLAINTIFF'S RULE 12(c) MOTION FOR PARTIAL JUDGMENT ON THE  
PLEADINGS, AND/OR RULE 56(a), (c) AND (d) MOTION FOR PARTIAL SUMMARY  
JUDGMENT, ON THE CONSTITUTIONALITY OF THE CHILD VICTIM'S ACT AS  
WRITTEN UNDER THE U.S. CONSTITUTION**

Pursuant to Fed.R.Civ.P. 12(c) and/or Fed.R.Civ.P. 56(a), (c), and (d), for the reasons stated in the accompanying Opening Brief, and there being no disputed issue of material fact, plaintiff Robert Quill Moves that the Court issue an Order granting him partial judgment on the pleadings and/or partial summary judgment and finding that -

(1) As a matter of law, the Child Victim’s Act, 10 Del.C. § 8145, as written, does not violate the United States Constitution.

Respectfully Submitted,

**THE NEUBERGER FIRM, P.A.**

/s/ Stephen J. Neuberger  
**THOMAS S. NEUBERGER, ESQ. (#243)**  
**STEPHEN J. NEUBERGER, ESQ. (#4440)**  
**RAEANN WARNER, ESO. (#4931)**

Two East Seventh Street, Suite 302  
Wilmington, DE 19801  
(302) 655-0582  
TSN@NeubergerLaw.com  
SJN@NeubergerLaw.com  
RW@NeubergerLaw.com

**JACOBS & CRUMPLAR, P.A.**

/s/ Robert Jacobs

**ROBERT JACOBS, ESQ. (#244)**

**THOMAS C. CRUMPLAR, ESQ. (#942)**

Two East Seventh Street, Suite 400  
Wilmington, DE 19801  
(302) 656-5445  
Bob@JandCLaw.com  
Tom@JandCLaw.com

Dated: October 16, 2007

**CERTIFICATE OF SERVICE**

I, Stephen J. Neuberger, being a member of the bar of this Court do hereby certify that on October 16, 2007, I electronically filed this Motion with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Anthony G. Flynn, Esquire  
Young Conaway Stargatt & Taylor LLP  
1000 West Street, 17<sup>th</sup> Floor  
P.O. Box 391  
Wilmington, DE 19899-0391  
aflynn@ycst.com

Mark Reardon, Esquire  
Elzufon Austin Reardon Tarlov & Mondell  
300 Delaware Avenue, Suite 1700  
P.O. Box 1630  
Wilmington, DE 19899  
mreardon@elzufon.com

Stephen P. Casarino, Esquire  
Casarino Christman & Shalk, P.A.  
800 North King Street, Suite 200  
P.O. Box 1276  
Wilmington, DE 19899  
scasarino@casarino.com

/s/ Stephen J. Neuberger  
**STEPHEN J. NEUBERGER, ESQ.**